

January 27, 2022

**BY ECF – VIA FEDERAL DEFENDERS**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**RE: United States v. Michael Avenatti  
19 Cr. 374 (JMF)**

Dear Judge Furman:

Defendant objects to the admittance and use of Government Exhibit 804. The chart is not proper under FRE 1006 or FRE 611(E). See, e.g., United States v. Wood, 943 F.2d 1048 (9<sup>th</sup> Cir. 1991). Among other deficiencies, the contents of the records summarized are not “voluminous writings, recordings, or photographs which cannot conveniently be examined in court.” Fed. R. Evid. 1006. Indeed, many of the entries relate to emails and text messages that have already been admitted and used during the trial in the course of witness examinations. Further, the Government has already demonstrated its ability to introduce and examine witnesses about large numbers of text messages and emails during the trial. For instance, the Government admitted nearly 50 text messages through Government witness Mr. Enrique Santos and then spent hours with Ms. Stormy Daniels during their direct examination questioning her about those same text messages. This is not akin to a case involving large amounts of phone data or financial data (i.e., thousands of banking transactions). Finally, proposed Exhibit 804 is a closing argument presentation disguised as an evidentiary summary exhibit and therefore improper.

Defendant respectfully requests that the Court sustain defendant’s objections and deny the Government’s request.

Respectfully Submitted,

/s/

Michael J. Avenatti  
Defendant